



# Clean Neighbourhoods and Environment Act 2005

## 2005 CHAPTER 16

### PART 7

#### NOISE

#### CHAPTER 1

##### AUDIBLE INTRUDER ALARMS

###### *Powers in relation to alarms*

### **77 Power of entry**

- (1) This section applies if an authorised officer of a local authority is satisfied that the conditions in subsection (2) are met in relation to an audible intruder alarm installed in or on premises in the area of the local authority.
- (2) The conditions are—
  - (a) that the alarm has been sounding continuously for more than twenty minutes or intermittently for more than one hour;
  - (b) that the sounding of the alarm is likely to give persons living or working in the vicinity of the premises reasonable cause for annoyance;
  - (c) if the premises are in an alarm notification area, that reasonable steps have been taken to get the nominated key-holder to silence the alarm.
- (3) The officer may enter the premises for the purpose of silencing the alarm.
- (4) The officer may not enter premises by force under this section.
- (5) The officer must, if required, show evidence of his authority to act under this section.

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(6) In this section—

“authorised officer” means an officer of a local authority who is authorised by the authority (generally or specifically) for the purposes of this section;

“nominated key-holder”, in respect of premises in the area of a local authority, means a person in respect of whom the authority has received notification in accordance with section 71(2)(b).

#### Commencement Information

**I1** S. 77 in force at 6.4.2006 for E. by S.I. 2006/795, art. 2(3), Sch. 2

**I2** S. 77 in force at 15.3.2007 (being the date on which S.I. 2007/739 came into force) for W. by S.I. 2006/2797, art. 4(gg)

## 78 Warrant to enter premises by force

(1) This section applies if, on an application made by an authorised officer of a local authority, a justice of the peace is satisfied—

- (a) that the conditions in section 77(2)(a) and (b) are met in relation to an audible intruder alarm installed in or on premises in the area of the local authority,
- (b) if the premises are in an alarm notification area, that the condition in section 77(2)(c) is met, and
- (c) that the officer is unable to gain entry to the premises without the use of force.

(2) The justice of the peace may issue a warrant authorising the officer to enter the premises, using reasonable force if necessary, for the purpose of silencing the alarm.

(3) Before applying for a warrant under this section, the officer must leave a notice at the premises stating—

- (a) that the officer is satisfied that the sounding of the alarm is likely to give persons living or working in the vicinity of the premises reasonable cause for annoyance, and
- (b) that an application is to be made for a warrant authorising the officer to enter the premises, using reasonable force if necessary, for the purpose of silencing the alarm.

(4) The officer must, if required, show evidence of a warrant issued under this section.

(5) “Authorised officer” has the meaning given in section 77.

#### Commencement Information

**I3** S. 78 in force at 6.4.2006 for E. by S.I. 2006/795, art. 2(3), Sch. 2

**I4** S. 78 in force at 15.3.2007 (being the date on which S.I. 2007/739 came into force) for W. by S.I. 2006/2797, art. 4(hh)

## 79 Powers of entry: supplementary

(1) This section applies where an officer of a local authority enters any premises under section 77 or under a warrant issued under section 78.

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- (2) The officer may take any steps he thinks necessary for the purpose of silencing the alarm.
- (3) The officer may take with him—
  - (a) such other persons, and
  - (b) such equipment,as he thinks necessary for the purpose of silencing the alarm.
- (4) The officer and any person who enters the premises with him by virtue of subsection (3) must not cause more damage to or disturbance at the premises than is necessary for the purpose of silencing the alarm.
- (5) If the premises are unoccupied or (where the premises are occupied) the occupier of the premises is temporarily absent the officer must—
  - (a) leave a notice at the premises stating what action has been taken on the premises under this section and section 77 or 78;
  - (b) leave the premises (so far as is reasonably practicable) as effectively secured against entry as he found them.
- (6) But the officer is not required by virtue of subsection (5)(b) to re-set the alarm.
- (7) Any expenses reasonably incurred by the local authority in connection with entering the premises, silencing the alarm and complying with subsection (5) may be recovered by the authority from the responsible person.
- (8) A warrant under section 78 continues in force until—
  - (a) the alarm has been silenced, and
  - (b) the officer has complied with subsection (5) (if that subsection applies).
- (9) Nothing done by, or by a member of, a local authority or by an officer of or another person authorised by a local authority, if done in good faith for the purposes of section 77, 78 or this section, is to subject the authority or any of those persons personally to any action, liability, claim or demand.

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**Commencement Information**

**15** S. 79 in force at 6.4.2006 for E. by S.I. 2006/795, art. 2(3), Sch. 2

**16** S. 79 in force at 15.3.2007 (being the date on which S.I. 2007/739 came into force) for W. by S.I. 2006/2797, art. 4(ii)

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 95A inserted by [S.I. 2024/365 reg. 3\(a\)](#)

**Commencement Orders yet to be applied to the Clean Neighbourhoods and Environment Act 2005**

Commencement Orders bringing provisions within this Act into force:

- [S.I. 2007/120 art. 3](#) Amendment to earlier commencing [S.I. 2006/2797](#)